



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/12/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.13972 of 2020

Viswanathan

... Petitioner/Accused No.15

Vs

The State rep. by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Crime No. 111 of 2020.

... Respondent/Complainant

For Petitioner : M/s.C.Muthusaravanan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.111 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A15, who was arrested and remanded to judicial custody on 13.10.2020 for the offences punishable under Sections 147, 148, 341,364, 323, 324, 120(b) IPC @ 302 & 201 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that A1 was having gold transaction with the deceased, due to which there was a quarrel between them. Therefore A1 decided to do away the life of the deceased and engaged the petitioner and other accused persons who are hirelings and they abducted the deceased and attacked him with deadly weapons, due to which he sustained grievous injuries and died. Thereafter the petitioner and all the accused persons jointly cut the body of the deceased and screened the entire body.



3.The learned counsel for the petitioner would submit that there are totally 18 accused in this case and the petitioner herein is arrayed as A15. The petitioner has been implicated as accused only on the confession statement of the co-accused. He further submitted that the other accused who were standing on the same as the petitioner herein were arrested and subsequently released on bail. He further submitted that the petitioner was voluntarily surrendered on 13.10.2020, hence he seeks bail.

4.The learned Government Advocate(Criminal Side) would submit that there are totally 18 accused in this case and the petitioner herein is arrayed as A15. The petitioner was arrested on 13.10.2020 for the occurrence which took place on 10.03.2020. This Court granted bail to other accused long back considering the period of incarceration. All the accused persons have committed very serious and heinous offence. Since the first accused got enmity between the deceased engaged other accused persons as hirelings only to do away the life of the deceased and abducted, attacked the deadly weapons, due to which he sustained grievous injuries and died. Hence he opposed to grant bail to the petitioner. Thereafter in order to screen the offence cut the body of the deceased, thrown out and also set fire.

5.There are totally 18 accused in this case and the petitioner herein is arrayed as A15. The first accused was having gold transactions with the deceased due to which there was some dispute between them. Therefore the first accused engaged and other accused persons including the petitioner herein and abducted him and attacked him with deadly weapons, due to which he sustained, due to which he sustained grievous injuries and died. Further, the accused persons cut the body of the deceased and set fire in order to screen the evidence. Therefore all the accused persons have committed a very serious and heinous offence. So far the other accused persons are concerned they were arrested long back and subsequently released on bail, in so far this petitioner is concerned, he was arrested only on 13.10.2020, hence this Court is not inclined to grant bail to the petitioner.

6. Hence, this petition stands dismissed.

sd/-
03/12/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE OFFICER INCHARGE,
DISTRICT JAIL,
RAMANATHAPURAM..
2. THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13972 of 2020
Date :03/12/2020

DSS
SRS/JC/SAR-II/15.12.2020/3P/4C